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COMMISSION ON HUMAN RIGHTS
Intergovernmental working group of experts
on human rights of migrants
Second session
Geneva, 16 - 20 February 1998

INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

Introduction

1. Pursuant to Commission on Human Rights resolution 1997/15 of 13 April 1997, entitled "Migrants and human rights", a working group consisting of five intergovernmental experts was established with a mandate to gather all relevant information on the obstacles existing to the effective and full protection of the human rights of migrants and to elaborate recommendations to strengthen the promotion, the protection and implementation of their human rights.

2. The Secretary-General, on 2 December 1997, addressed a Questionnaire on human rights of migrants to Governments, competent United Nations bodies, specialized agencies, intergovernmental and non-governmental organizations for any information and comments they might wish to make in relation to the mandate of the working group. The relevant replies received from the Government of Turkey, from the International Labour Office, from the International Movement Against All Forms of Discrimination and Racism and from the Christian Coalition on Refugees and Migrant Workers are attached herewith.

Submission received from
Turkey

QUESTIONNAIRE
ON THE HUMAN RIGHTS OF MIGRANTS

1. What are the latest figures or estimates for :

a) Total population, including non-nationals, preferably by nationality of origin;

According to the results of national census organized on 30th November 1997 the total population of Turkey is around 63 million people. The ratio of foreign nationals within the total population is less than 0.1 percent.

b) Number of nationals abroad, preferably by country of residence;

Country	Total Number of Nationals	Total Number of Workers (*)
Germany	2.014.311	740.277
Holland	260.108	65.000
France	260.982	72.544
Austria	142.231	51.327
Belgium	119.036	37.500
Denmark	35.739	15.811
Great Britain	58.187	33.000
Norway	10.000	6.000
Sweden	35.724	7.300
Switzerland	79.424	34.825
Australia	53.085	21.085
Saudi Arabia	130.000	120.000
Libya	6.355	5.810
Kuwait	3.500	3.300
Turkish Republic of Northern Cyprus	-	2.493
Israel	4.114	4.114
Commonwealth of Independent States	40.000	40.000
United States	135.000	-
Canada	35.000	-
Italy	15.000	5.000
Finland	1.800	1.400
Spain	848	500
Jordan	1.591	200
Other Countries	1.863	1.016
TOTAL	3.444.005	1.263.502

(*) The total number of workers includes the number of unemployed persons

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c) Non-nationals having authorization to work in the country:

The number of non-nationals living and having authorization to work in Turkey is around 20000.

Conditions of residence for foreigners living in Turkey are determined by law. The duration of the residence permits to foreigners is at present for maximum two years. The residence permit may be issued individually or for the family members altogether. It is mandatory for those wishing to work in Turkey to apply for an individual residence and work permit.

Foreign students studying at Turkish schools and universities, scholars who come to Turkey for scientific research, foreign journalists living in Turkey, foreign experts employed by the Government, State Economic Enterprises or Municipalities as well as private enterprises are accorded residence permit. For work permit, employment contract is required.

d) Estimate of irregular migrants, including visa abusers, by country of origin :

In principle, the relevant authorities make all the possible efforts in order to fight against the illegal immigration. However, we observe recently a big increase in the number of attempts to enter and to transit Turkey illegaly.

Turkey which was a country of emigration, from 60's till mid. 70's, is a country of immigration as well, particularly a safe haven for foreign nationals fleeing from neighbouring countries affected by political events.

The Government of Turkey wants to prevent, through legal means, all kind illegal immigration. It also aims to ensure a legal and orderly entry of foreign nationals who seek refuge in Turkey. It is estimated that the number of irregular migrants is around 4.000. They are mostly from Iraq, Iran, Afghanistan, Bangladesh, Pakistan and from some African countries.

2. What measures are being taken to strengthen the promotion, protection and implementation of the human rights of migrants, such as;

a) legal measures;

According to Turkish Laws, migrant workers have the same working rights as their Turkish colleagues.

In addition, according to Article 90 of the Turkish Constitution, the international conventions and agreements duly ratified and entered into force, have the same effect as the national laws. Turkey is party to the European Code of Social Security, to the European Convention on Social Security and to its Supplementary Agreement as well as to the European Convention on the Legal Status of Migrant Workers.

All the foreign nationals, including the migrants living in Turkey, are also under the protection of Turkish Constitution which guarantees that all citizens are equal in front of the laws, without distinction of race, colour, sex, language, religious faith and opinion.

The conditions of residence and expulsion of foreign immigrants are determined by law and all actions taken with regard to foreigners are conducted by official authorities within the framework of laws and legal regulations.

b) public information and education;

All the foreign migrants have the freedom to obtain information and education according to their needs.

The press and media play also a positive role in providing information to foreign nationals.

c) provision of direct assistance and services:

The Turkish Government takes the necessary measures to meet all basic human needs of the foreign migrants, particularly of those who come to seek refuge temporarily in Turkey.

Measures are taken to provide shelter, accommodation, food and similar services to those arriving in Turkey until their definite departure for a third country.

d) other measures, including bilateral and multilateral arrangements.

The Turkish Government cooperates with the foreign governments to regulate and improve the conditions of Turkish nationals living abroad.

On the other hand, with regard to the foreign migrants arriving in Turkey, the Government is ready to cooperate with other countries and international organizations to improve the conditions of all migrants in difficulties.

3. Have there been manifestations (How many cases?) of racism, xenophobia and other forms of discrimination against migrants in your country and against your nationals in another country?

Manifestations of racism, xenophobia and other forms of discrimination against migrants in Turkey are limited to few individual cases.

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As has been echoed in the international press and media, there have been manifestations of racism and xenophobia against Turkish nationals and workers living abroad. Incidents occurred resulting in deaths of Turks and their family members. The annual number of such acts is not less than 300.

Those incidents have been unanimously condemned by all circles in the host countries as well as by the Turkish Government and people.

4. What steps have been taken in order to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised), 1949 (No.97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No.143)?

The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is currently examined by the relevant Turkish authorities and thereafter, the necessary steps will be taken for its ratification.

The two ILO Conventions referred to in question no.4 have not been ratified yet by Turkey and they are also under examination by the relevant authorities. It is hoped that this work will also be finalized without further delay.

Reply received from
the International Labour Office

Votre réf G/SO 212/26(1)

Subject: Questionnaire on human rights of migrants

Dear Ms. Ize-Charrin,

In reply to the letter of your Office of 2 December 1997 regarding the questionnaire on human rights of migrants, I would, first of all, allow myself to raise a concern as regards the deadline that you have set for receiving replies to the questionnaire. As I already pointed out at the first session of the Intergovernmental Working Group (17 to 21 November 1997), from our own experience, we know how difficult and time-consuming it can be to receive feedback, both from Governments and NGOs, to such questionnaires. The deadline of 15 January 1998, therefore, would seem to be quite unrealistic in this respect, although I very much understand your interest in receiving replies prior to the next session of the Working Group in February. Since postponing the deadline to the beginning of February will probably only make a small difference, I would like to point to the importance of continuing to encourage replies to the questionnaire also after the next session of the Working Group.

As regards the state of ratification of ILO Migration for Employment Convention (Revised), 1949, (No. 97) and ILO Convention Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1978, (No. 143), I would like to draw your attention to the General Survey that the ILO will carry out on the application of the two ILO conventions mentioned, including any obstacles to their ratification, in the course of the next year. We will, of course, keep you informed.

To update the information already provided to the Working Group, I will attach the most recent list of States that have ratified ILO Convention No. 97 and 143. If you should have any further questions, please do not hesitate to contact me.

Yours sincerely,

Matthias Reischle
Migration Branch
Employment and Training Department

C.97 MIGRATION FOR EMPLOYMENT CONVENTION (REVISED), 194

(As of 2.10.1997)

Date of entry into force: 22/01/1952

STATES	Ratification registered
ALGERIA [1]	19/10/1962
BAHAMAS [2]	25/05/1976
BARBADOS [3]	08/05/1967
BELGIUM	27/07/1953
BELIZE	15/12/1983
BOSNIA AND HERZEGOVINA [4]	02/06/1993
BRAZIL	18/06/1965
BURKINA FASO	09/06/1961
CAMEROON [5]	03/09/1962
CUBA	29/04/1952
CYPRUS [6]	23/09/1960
DOMINICA [7]	28/02/1983
ECUADOR [8]	05/04/1978
FRANCE [9]	29/03/1954
GERMANY	22/06/1959
GRENADA [10]	09/07/1979
GUATEMALA	13/02/1952
GUYANA [11]	08/06/1966
ISRAEL	30/03/1953
ITALY	22/10/1952
JAMAICA [12]	26/12/1962
KENYA [13]	30/11/1965
MALAWI	22/03/1965
MALAYSIA (SABAH) [14]	03/03/1964
MAURITIUS [15]	02/12/1969
NETHERLANDS	20/05/1952
NEW ZEALAND [16]	10/11/1950
NIGERIA [17]	17/10/1960
NORWAY	17/02/1955
PORTUGAL	12/12/1978
SAINT LUCIA [18]	14/05/1980
SLOVENIA [19]	29/05/1992
SPAIN	21/03/1967
TANZANIA (ZANZIBAR) [20]	22/06/1964

1 Has excluded the provisions of Annex II.
2 Has excluded the provisions of Annexes I to III.
3 Has excluded the provisions of Annexes I to III.
4 Has excluded the provisions of Annex III.
5 Has excluded the provisions of Annexes I to III.
6 Has excluded the provisions of Annexes I to III.
7 Has excluded the provisions of Annexes I to III.
8 Has excluded the provisions of Annexes I to III.
9 Has excluded the provisions of Annex II.
10 Has excluded the provisions of Annexes I to III.
11 Has excluded the provisions of Annexes I to III.
12 Has excluded the provisions of Annexes I to III.
13 Has excluded the provisions of Annexes I to III.
14 Has excluded the provisions of Annexes I to III.
15 Has excluded the provisions of Annexes I to III.
16 Has excluded the provisions of Annex I.
17 Has excluded the provisions of Annexes I to III.
18 Has excluded the provisions of Annexes I to III.
19 Has excluded the provisions of Annex III.
20 Has excluded the provisions of Annexes I to III.

C.97 MIGRATION FOR EMPLOYMENT CONVENTION (REVISED), 1949

Date of entry into force: 22/01/1952

STATES	Ratification registered
THE FORM. Y. REP. OF MACEDONIA .	17/11/1991
TRINIDAD AND TOBAGO [21]	24/05/1963
UNITED KINGDOM [22]	22/01/1951
URUGUAY	18/03/1954
VENEZUELA	09/06/1983
YUGOSLAVIA [23]	04/12/1968
ZAMBIA [24]	02/12/1964

Total of ratifications: 41

[21] Has excluded the provisions of Annexes I to III.
[22] Has excluded the provisions of Annexes I and III.
[23] Has excluded the provisions of Annex III.
[24] Has excluded the provisions of Annexes I to III.

C.143 MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1975

(As of 2.10.1997)

Date of entry into force: 09/12/1978

STATES	Ratification registered
BENIN	11/06/1980
BOSNIA AND HERZEGOVINA	02/06/1993
BURKINA FASO	09/12/1977
CAMEROON	04/07/1978
CYPRUS	28/06/1977
GUINEA	05/06/1978
ITALY	23/06/1981
KENYA	09/04/1979
NORWAY	24/01/1979
PORTUGAL	12/12/1978
SAN MARINO	23/05/1985
SLOVENIA	29/05/1992
SWEDEN	28/12/1982
THE FORM. Y. REP. OF MACEDONIA	17/11/1991
TOGO	08/11/1983
UGANDA	31/03/1978
VENEZUELA	17/08/1983
YUGOSLAVIA	19/06/1981

Total of ratifications: 18

Submission from the International Movement Against All Forms of Discrimination and Racism (IMADR),

Geneva, 9th January 1998

Ref.: Second session of Working Group on Human Rights of Migrants

Dear Sir/Madam,

The International Movement Against All Forms of Discrimination and Racism is pleased to provide a set of documents produced or used through its International Project Against the Trafficking in Women in East and South Asia, to the Working Group on Human Rights of Migrants at its second session to be held on 16 - 20 February 1998 at Geneva, for its consideration of the issue of trafficking in migrants.

Our organisation hopes that the Working Group will pay due attention to this increasing phenomenon to be tackled by the international society in good cooperation.

Please contact Atsuko Tanaka of the IMADR-Geneva Office should you have any question on those materials.

IMADR INTERNATIONAL PROJECT AGAINST THE TRAFFICKING IN WOMEN IN EAST AND SOUTH ASIA

documentation *

A. Project outline

- "The IMADR International Project Against the Trafficking in Women in East and South Asia"

- "'Trafficking in Women and Human Rights': Investigation and Research Project"

B. IMADR Workshop Against the Trafficking in Women in Asia at NGO Forum '95, Beijing

- Background

- "Situations in Korea: Country Report on Problems Involving Trafficking in Women" prepared by Heisoo Shin, Korea Women's Hot Line

- Cases in Japan

- "The Issue Surrounding the Prostitution Guide Book"

C. IMADR Seminar for the Empowerment of the Victims of Trafficking (29-31 March 1996, Tokyo, Japan)

- Materials for the Seminar

- Report of the Seminar

D. IMADR Manual "Trafficking in Women in Asia: From Recognition to Response - A Reference Manual for Public Officials and Private Citizens"

E. International Seminar for the Empowerment of Survivors of Trafficking (9-11 September 1996, Chiangmai, Thailand,)

- "Current Status of Laws/Issues Highlighting Discrimination Against Women: The Case of Thailand" by Virada Somswasdi, Women's Studies Center, Faculty of Social Sciences, Chiangmai University (September 1996)

- "Human Trafficking and Human Security - The Case of Modern Japan-" by Seiko Hanochi and Kinhide Mushakoji, IMADR

F. IMADR newsletter "CONNECT"

- "Towards decriminalization and empowerment of the survivors of trafficking - IMADR holds international seminar" (Vol.1, No.2, June/July 1996)

- "Trafficking in Asia - An Overview" (Vol.1 No.6, Feb./March 1997)

* Available with the Secretariat upon request

Submission from the Christian Coalition on Refugees
and Migrant Workers in Japan together with
the National Network for Solidarity with Migrant Workers

1, Figures

1. Total Population of Japan:125,864,022 (as of the end of 1996)
2. Population of registered non-nationals: 1,415,136(as of the end of 1996)

Koreans(N/S):	657,159	(46.4%)
Chinese:	234,264	(16.6%)
Brazil:	201,795	(14.3%)
Philippines:	84,509	(6.0%)
USA:	44,168	(3.1%)
Peru:	37,099	(2.6%)
Others:	156,142	(11.0%)

3. Numbers of non-nationals having authorization to work in the country:
98.301(as of the end of 1996)
4. Estimate of irregular migrants,including visa abusers,by country of origin
282,986(as of the end of 1996)

Koreans:	52,387
Philippines:	42,547
Thai:	39,513
Chinese:	38,296
Peru:	12,942
Iran:	11,303
Malaysia	10,390
Taiwan:	9,409
Bangladesh:	6,197
Burma:	5,900
Pakistan:	5,157
Others:	48,945

(there is another statistic estimating the whole non-nationals' population as about 1,510,000 including undocumented non-nationals, which gives us another figure of the estimated undocumented migrants: as about 1,000,000)

2. Measures being taken to strengthen the promotion, protection and implementation of the human rights of migrants, such as:
   - -legal measures:
   - -public information and education
   - -provision of direct assistance and services
   - -other measures, including bilateral and multilateral arrangements.

3. Have there been manifestations (How many cases?) of racism, xenophobia and other forms of discrimination against migrants in your country and against your nationals in another country?

-As for discrimination against our nationals in another country, we do not know.

-As for discrimination against migrants in Japan, cases are not fully covered, however, there are strong reasons to believe that such discrimination are not few at all.

Some tragic cases are being reported:

- A Brazilian boy of Japanese descent migrant parents was slaughtered in November in 1997 in Komaki City by a Japanese joy-rider group though he had no connection with them, because of their hatred against Brazilians of Japanese descent.
- Another Brazilian boy quit junior high school to avoid being abused by classmates in Utunomiya City in March 1997. He was verbally abused by some classmates being complained , " You stink!" and his notebooks and pencils were thrown away in a dust bin. He spoke very few Japanese, however, he was eager to learn.
- Children of non-nationals in need of Japanese language education are many, estimated to be about 11,000 as of 1996, Cases of abuses in school are not easy to come out, therefore, the above cases may only be a tip of an iceberg.
- In Nagano, where winter Olympic game is going to be held, migrants who had worked for construction of the Olympic site, were arrested when construction was over, because of their undocumented visa status. This case is another type of abuse and discrimination against migrants using them and throw them away afterwards.
- In terms of women migrant workers, cases of sexual abuse, rape, sexual harassment are reported, or being tackled by women' s shelters and support groups; in such cases, indirect discrimination against women of non-nationals , treating them as a 'cheap sexual object' is obvious. Number of cases are unknown.

-Abuses against migrants in detention center are reported.

A Chinese family of a mother(45 years old) , grandmother(74 years old) and a baby (1.5years old) is being detained in Ushiku detention center. The baby has never seen outside world since it was born to the mother. They are not in good health, and urgent release is being waited for by concerned citizens.

-Many mixed children of a Japanese and other natinal ity are born nowadays. Those children are sometimes left in the state of no nationalities. Official statement revealed that those children under 4 years old with no nationality amont to 734 as of the end of 1996. This is another aspect of discrimination.

4. What steps have been taken in order to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labor Organization (ILO) Convention concerning Migration for Employment(Revised), 1949(No.97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975(No.143)?

No specific measures are being taken by the Japanese government in spite of human NGO groups' strong requests to ratify the 1990 Convention.